

AMENDMENT TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims

Claims 1 - 2 (Canceled).

Claim 3 (Currently Amended). A foaming composition comprising:

- a. a water-dispersible component hexylene glycol;
- b. an ester pentaerythritol teraoctanoate;
- c. water;
- d. a foaming surfactant, and
- e. a liquid silicone, wherein the foaming surfactant has a column height of greater than about 20 mm as determined by the Miles-Ross Test and is selected from the group consisting of non-ionic surfactants, cationic surfactants, amphoteric surfactants, anionic surfactant, and mixtures thereof.

Claims 4 – 21 (Previously Canceled).

Claim 22 (Canceled).

Claim 23 (Currently Amended). A foaming composition comprising:

- a. a water-dispersible component hexylene glycol;
- b. an ester pentaerythritol tetraoctanoate;
- c. water;
- d. a foaming surfactant, and
- e. at least one of the following:
 - i) a polymeric emulsifier selected from the group consisting of polyethylene glycol-30 dipolyhydroxystearate; dimethicone copolyol; substituted acrylates; and mixtures thereof and/or a thickener;
 - ii) a benefit agent; or

iii) a nonionic emulsifier.

Claim 24 (Previously Amended). The composition of claim 23 wherein the thickener is selected from the group consisting of carbomers, acrylate copolymers, hydroxyethylcellulose modified with cetyl ether groups, polyvinylmethyl ether/maleic anhydride (PVM/MA) decadiene crosspolymer, and mixtures thereof.

Claim 25 (Previously Amended). The composition of claim 23 wherein the thickener is selected from the group consisting of acrylates/aminoacrylates copolymer, acrylates/steareth-20 methacrylate copolymer; acrylates/ceteth-20 itaconate copolymer, acrylates/steareth-20 itaconate copolymer, carbomers, modified hydroxycellulose, polyvinylacetate/maleic anhydride (PVA/MA) decadiene crosspolymer, and mixtures thereof.

Claim 26 (Previously Amended). The composition of claim 23 further comprised of a cleansing enhancer that is a nonfoaming surfactant and/or a non-ionic emulsifier.

Claim 27 (Original). The composition of claim 26 wherein the nonfoaming surfactant is selected from the group consisting of sucrose cocoate, sucrose stearate and mixtures thereof.

Claim 28 (Original). The composition of claim 26 wherein the non-ionic emulsifier is selected from the group consisting of isoceteth 20, oleth-2, mixture of PEG-40 hydrogenated castor oil and trideceth-9, Poloxamer 184, laureth-4, sorbitan trioleate, polyoxyethylene-(2) oleyl ether, sorbitan stearate, cetearyl glucoside, glyceryl oleate, and mixtures thereof.

Claim 29 (Previously Amended). The composition of claim 23 wherein the benefit agent is selected from the group consisting of vasoconstrictors, collagen enhancers, anti-edema agents, depigmentation agents; reflectants; detangling/wet combing agents; film forming polymers; humectants; amino acid agents; antimicrobial agents; allergy inhibitors; anti-acne agents; anti-aging agents; anti-wrinkling agents, antiseptics; analgesics; antitussives; antipruritics; local anesthetics; anti-hair loss agents; hair growth promoting agents; hair growth inhibitor agents; antihistamines; antiinfectives; inflammation inhibitors; anti-emetics; anticholinergics; vasoconstrictors; vasodilators; wound healing promoters; peptides, polypeptides and proteins; deodorants and anti-perspirants; medicament agents; skin emollients and skin moisturizers; skin firming agents, hair conditioners; hair softeners; hair moisturizers; vitamins; tanning agents; skin lightening agents; antifungals; depilating agents; shaving preparations; external analgesics; perfumes; counterirritants; hemorrhoidals; insecticides; poison ivy products; poison oak products; burn products; anti- diaper rash agents; prickly

heat agents; make-up preparations; vitamins; amino acids and their derivatives; herbal extracts; retinoids; flavonoids; sensates; anti-oxidants; skin conditioners; hair lighteners; chelating agents; cell turnover enhancers; coloring agents; pigments; sunscreens and mixtures thereof.

Claim 30 (Previously Amended). The system of claim 23 wherein the benefit agent is selected from the group consisting of feverfew, centella asiatica, olive leaf, wheat protein, oat oil, lycopene, DMAE, soy and derivatives thereof, colloidal oatmeal, sulfonated shale oil, elubiol, 6-(1-piperidinyl)-2,4-pyrimidinediamine-3-oxide, finasteride, ketoconazole, salicylic acid, zinc pyrithione, coal tar, benzoyl peroxide, selenium sulfide, hydrocortisone, sulfur, menthol, pramoxine hydrochloride, tricetylammonium chloride, polyquaternium 10, panthenol, panthenol triacetate, vitamin A and derivatives thereof, vitamin B and derivatives thereof, vitamin C and derivatives thereof, vitamin D and derivatives thereof, vitamin E and derivatives thereof, vitamin K and derivatives thereof, keratin, lysine, arginine, hydrolyzed wheat proteins, hydrolyzed silk proteins, octyl methoxycinnamate, oxybenzone, minoxidil, titanium dioxide, zinc dioxide, retinol, erythromycin, tretinoin, and mixtures thereof.

Claims 31 – 51 (Previously Canceled).

Claims 52 – 71 (Concurrently Canceled).

Claim 72 (Withdrawn). A method for making a water-in-oil emulsion comprised of: a) neutralizing a hydrophilic thickening agent in a hydrophilic phase comprised of a polymeric emulsifier with an effective amount of a neutralizer under conditions sufficient before combining a lipophilic phase with the hydrophilic phase.

Claim 73 (Withdrawn). The method of claim 72 wherein the hydrophilic thickening agent is selected from the group consisting of carbomers, acrylate copolymers, modified hydroxycellulose, polyvinyl methyl ether/maleic anhydride (PVM/MA) decadiene crosspolymer, and mixtures thereof.

Claim 74 (Withdrawn). The method of claim 72 wherein the acrylate copolymers are selected from the group consisting of acrylates/aminoacrylates copolymer, acrylates/steareth-20 itaconate copolymer, acrylates/ceteth-20 itaconate copolymer, acrylates/steareth-20 methacrylate copolymer, and mixtures thereof.

Claim 75 (Withdrawn). The method of claim 72 wherein the hydrophilic phase is comprised of one or more of the following: water, thickener, cleansing enhancer, nonfoaming surfactant, and water dispersible component.

Claim 76 (Withdrawn). The method of claim 72 wherein the lipophilic phase is comprised of one or more of the following: silicone, ester, and polymeric emulsifier.

Claim 77 (Withdrawn). A method for depositing a benefit agent into and/or onto the skin, hair and/or nails comprising applying a composition comprising:

- a. an optional liquid silicone;
- b. a water dispersible component;
- c. an ester;
- d. a polymeric emulsifier and/or a thickener; and
- e. an effective amount of a benefit agent

to a desired location on a human or animal.

Claim 78 (Withdrawn). The method of claim 77 wherein the composition is further comprised of a foaming surfactant, a cleansing enhancer, or a mixture thereof.

Claim 79 (Withdrawn). The method of claim 77 wherein the benefit agent is selected from the group consisting of colloidal oatmeal, olive leaf, soy and derivatives thereof, sulfonated shale oil, elubiol, 6-(1-piperidinyl)-2,4-pyrimidinediamine-3-oxide, finasteride, ketoconazole, salicylic acid, zinc pyrithione, coal tar, benzoyl peroxide, selenium sulfide, hydrocortisone, sulfur, menthol, pramoxine hydrochloride, tricetylammonium chloride, polyquaternium 10, panthenol, panthenol triacetate, vitamin A and derivatives thereof, vitamin B and derivatives thereof, vitamin C and derivatives thereof, vitamin D and derivatives thereof, vitamin E and derivatives thereof, vitamin K and derivatives thereof, keratin, lysine, arginine, hydrolyzed wheat proteins, hydrolyzed silk proteins, octyl methoxycinnamate, oxybenzone, minoxidil, titanium dioxide, zinc dioxide, retinol, erythromycin, tretinoin, DMAE, and mixtures thereof.

Claim 80 (Withdrawn). A method for depositing a benefit agent into and/or onto the skin, hair and/or nails comprising applying a composition comprising:

- a. an optional liquid silicone;
- b. a water dispersible component;
- c. an ester;
- d. water;
- e. a foaming surfactant; and
- f. an effective amount of a benefit agent

to a desired location on a human or animal.

Claim 81 (Withdrawn). A foaming composition comprised of

- a) water;
- b) a water dispersible component selected from the group consisting of hexylene glycol, PEG-6 caprylic/capric triglycerides, and mixtures thereof;
- c) an ester selected from the group consisting of isononyl isononanoate, isostearyl palmitate, cetyl octanoate, pentaerthritol tetraoctanoate, and mixtures thereof; and
- d) a foaming surfactant selected from the group consisting of cocamide MEA, lauryl glucoside, PEG-50 tallow amide, cocamidopropylamine oxide, and mixtures thereof.

Claim 82 (Withdrawn). The foaming composition of claim 52 wherein the foaming surfactant is non-ionic, cationic, amphoteric, or anionic.

Claim 83 (Withdrawn). The composition of claim 52, in the form of a gel, a bath, a wash, a mousse, a shampoo, a rinse, a lotion, a cream, a wipe, a brush, a sponge, or a spray.

Claim 84 (Withdrawn). A foaming composition according to claim 1, comprising, based upon the total weight of the foaming composition,

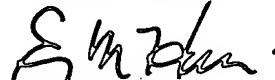
- a) from about 0.1 percent to about 30 percent of a water dispersible component;
- b) from about 0.1 percent to about 30 percent of an ester;
- c) from about 1 percent to about 98 percent of water; and
- d) from about 2 percent to about 30 percent of a foaming surfactant.

Claim 85 (Withdrawn). A method of cleansing skin, hair or nails, comprising the step of applying to said skin, hair or nails, the composition of claim 52.

Conclusion

Applicants believe that the foregoing presents a full and complete response to the Notice of Non-Compliant Amendment. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-508/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,



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